IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.Rev.Pet.No. 938 of 2007()

CRA.883/2006 of SESSIONS COURT, ERNAKULAM
CC.172/2005 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

.....

REVN. PETITIONER: APPELLANT/ACCUSED

M.C.DIVAKARAN, S/O. KUTTAPPAN,
MULLASSERY VEEDU, AKANAD KARA,
VENGOOR WEST VILLAGE, KUNNATHUNADU TALUK.

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS: RESPONDENTS/COMPLAINANT

---

1. M.K.ALIYAR,
MOOTHEDAN VEEDU, VEGOLA KARA AND VILLAGE,
KUNNATHUNADU TALUK.

2. STATE OF KERALA, REPRESENTED BY
DISTRICT GOVERNMENT PLEADER,
DISTRICT COURT, ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 938 OF 2007

==========

Dated this the 5th day of March 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for two months and to pay a compensation of Rs.84,000/- under section 357(3) Cr.P.C towards the compensation for the loss sustained to the complainant and in default to undergo simple imprisonment for 45 days.

2. The counsel for the revision petitioner has sought for modification of sentence and for time to make the payment. In the circumstances, sentence is modified to imprisonment till rising of the court and to pay the amount of compensation as ordered by the court below with the default sentence. The revision petitioner is granted six months time from today onwards to make the payment. The revision petitioner shall appear before Judicial First Class Magistrate, Perumbavur on **30.08.2007** to receive sentence**.**

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV